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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
10

11 TONY HARRIS,

No. CIV S-04-1149-WBS-CMK

12 Plaintiff,

13 vs.

ORDER

14 CHICO NISSAN, INC., et al.,

15 Defendants.  
16 \_\_\_\_\_/

17 Plaintiff filed this action alleging discrimination in violation of the Americans with  
18 Disabilities Act and California law. Currently before the court is plaintiff's September 21, 2005,  
19 document entitled "Plaintiff's First Amended Notice of Motion and Motion to Compel  
20 Discovery," (Doc. 25) which was originally noticed for hearing on October 11, 2005, at 10:00  
21 a.m. in Redding, California. By order issued on October 6, 2005, that hearing was vacated from  
22 the court's calendar, plaintiff's request for monetary sanctions was denied, and defendants were  
23 directed to show cause in writing why sanctions should not issue for failure to respond to  
24 discovery requests. Defendants have responded to the court's order and plaintiff's September 21,  
25 2005, motion now stands submitted on the papers, except as otherwise denied in the October 6,  
26 2005, order.

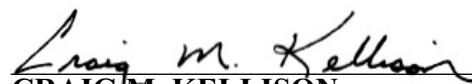
1 In his motion to compel, plaintiff asserts that defendants Chico Nissan and  
2 Raymond L. Bowen have failed to respond to his request for production of documents. Plaintiff  
3 also asserts that Raymond L. Bowen and Brian Bowen have failed to appear at properly noticed  
4 depositions. Plaintiff seeks an order: (1) directing defendants Chico Nissan and Raymond L.  
5 Bowen to produce the documents sought; (2) directing Raymond L. Bowen and Brian Bowen to  
6 appear at their depositions; and (3) awarding monetary sanctions. As indicated above, plaintiff's  
7 request for monetary sanctions was denied on October 6, 2005. Moreover, the record reflects that  
8 the parties reached a stipulation concerning depositions. That stipulation was approved by the  
9 court by order dated October 19, 2005. Therefore, the only issue before the court is defendants'  
10 alleged non-response to document requests.

11 In their response to the court's order to show cause, defendants state that "... all  
12 additional responsive documents were already provided to Plaintiff prior to the parties entering  
13 into [the deposition] stipulation." Upon review of plaintiff's September 21, 2005, motion, it  
14 appears that the documents sought by that motion relate to the depositions which are the subject  
15 of the parties' stipulation. Given defendants' representation that all documents plaintiff has  
16 requested have been produced, plaintiff's motion will be denied.

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. The court's October 6, 2005, order to show cause directed at defendants is  
19 discharged; and  
20 2. Plaintiff's September 21, 2005, motion to compel is denied in its entirety.

21  
22 DATED: October 27, 2005.

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25 **CRAIG M. KELLISON**  
26 UNITED STATES MAGISTRATE JUDGE